

ORIGINAL

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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GCCFC 2006-GG7 WESTHEIMER  
MALL, LLC,

Plaintiff,

v.

EDWARD H. OKUN,

Defendant.  
-----

Civ. No. 1:07-CV-10394 (LMM)

FILED COURT  
U.S. DISTRICT COURT  
2008 FEB 20 PM 2:10  
S.D. OF N.Y.

**MOTION TO ADMIT M. SCOTT BARNARD PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District  
Courts for the Southern District of New York, I, John Berry, Esq., a member in good  
standing of the bar of this Court, hereby move for an Order allowing the admission *pro*  
*hac vice* of:

Applicant's name: M. SCOTT BARNARD  
Firm name: Akin Gump Strauss Hauer & Feld LLP  
Address: 1700 Pacific Avenue, Suite 4100  
Dallas, TX 75204  
Phone number: (214) 969-4299  
Fax number: (214) 969-4343

M. SCOTT BARNARD is a member in good standing of the Bar of the State of  
Texas and is admitted to practice before the United States Supreme Court, the United  
States Court of Appeals for the Fifth Circuit, and the United States District Courts for the  
Northern, Southern, Western and Eastern Districts of Texas.

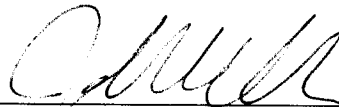
202 30-02-2 ST # 269459

There are no pending disciplinary proceedings against M. SCOTT BARNARD in any State or Federal court.

Dated: New York, New York  
February 20, 2008

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD, L.L.P.

A handwritten signature in black ink, appearing to read "John W. Berry", is written over a horizontal line.

John W. Berry (JB-8725)  
590 Madison Avenue  
New York, New York 10022  
(212) 872-8075 (telephone)  
(212) 872-7512 (facsimile)

*Counsel for Plaintiff GCCFC 2006-GG7  
Westheimer Mall, LLC*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

GCCFC 2006-GG7 WESTHEIMER  
MALL, LLC,

Plaintiff,

V.

EDWARD H. OKUN,

Defendant.

Civ. No. 1:07-CV-10394

**DECLARATION OF JOHN W. BERRY, ESQ. IN SUPPORT OF  
MOTION TO ADMIT M. SCOTT BARNARD *PRO HAC VICE***

I, John W. Berry, Esq., declare as follows:

1. I am a partner at Akin Gump Strauss Hauer & Feld, LLP, counsel for Plaintiff in the above-captioned action. I make this Declaration in support of Plaintiff's motion to admit M. Scott Barnard as counsel *pro hac vice* to represent Plaintiff in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on June 22, 1999. I am also admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York, and am in good standing with this Court.

3. Mr. Barnard is a partner at Akin Gump Strauss Hauer & Feld LLP, in Dallas, Texas.

4. I have known Mr. Barnard for approximately one year. I have found Mr. Barnard to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

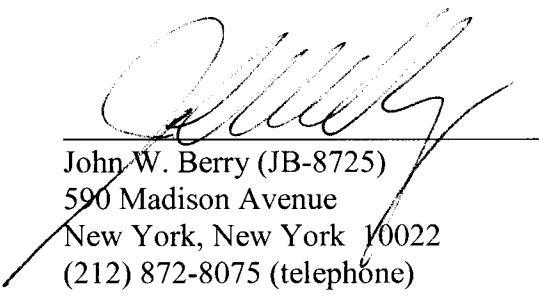
5. A certificate of good standing for Mr. Barnard issued by the State Bar of Texas within the past thirty days is attached as **Exhibit A**.

6. There are no pending disciplinary proceedings against Mr. Barnard in any State or Federal court.

7. Accordingly, I am pleased to move the admission of Scott Barnard, *pro hac vice*.

WHEREFORE I respectfully request that the motion to admit Scott Barnard, *pro hac vice*, to represent Plaintiff in the above-captioned matter be granted.

Dated: New York, New York  
February 20, 2008



John W. Berry (JB-8725)  
590 Madison Avenue  
New York, New York 10022  
(212) 872-8075 (telephone)  
(212) 872-7512 (facsimile)

*Counsel for Plaintiff GCCFC 2006-GG7  
Westheimer Mall, LLC*

# STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

February 14, 2008

Akin, Gump, Strauss, Hauer & Feld, L.L.P.  
1700 Pacific Ave., Suite 4100  
Dallas, Texas 75201-9854

Re: Michael Scott Barnard, Bar Card No. 24001690

To Whom It May Concern:

Pursuant to your request, I have researched our disciplinary records and report that we have no record of any complaints pending against the attorney listed above.

Mr. Barnard is active and in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension. He was accepted to the bar on November 7, 1997.

No previous disciplinary sanctions have been entered against Mr. Barnard's law license.

Please let me know if you need additional information or if I can be of further assistance to you.

Sincerely,

Sarah Saldaña  
Administrative Assistant  
Office of the Chief Disciplinary Counsel  
State Bar of Texas

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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GCCFC 2006-GG7 WESTHEIMER	§	
MALL, LLC,	§	No. 1:07-CV-10394-NRB
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
EDWARD H. OKUN,	§	
	§	
Defendant.	§	
	§	
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**ORDER OF ADMISSION OF M. SCOTT BARNARD  
TO PRACTICE *PRO HAC VICE***

Upon the Motion of John W. Berry, counsel for Plaintiff, to admit M. SCOTT BARNARD *pro hac vice* to appear as counsel for Plaintiff, and upon said sponsor attorney's declaration in support, and it appearing that Mr. Barnard is in good standing before the State Bar of Texas to which he is admitted and that there are no pending disciplinary proceedings against him in any State or Federal court;

IT IS HEREBY ORDERED that, under Local Rule 1.3(c) of this Court, M. Scott Barnard of Bar of the State of Texas is admitted to practice *pro hac vice* as counsel for Plaintiff in this action before this Court. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the rules governing discipline of attorneys.

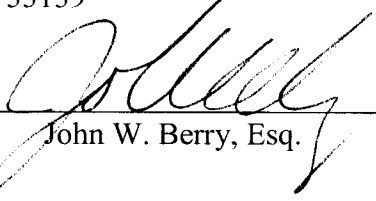
Dated: New York, New York  
\_\_\_\_\_, 2008

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I, John W. Berry, Esq., hereby certify that I caused a true and correct copy of the foregoing Motion to Admit M. Scott Barnard *Pro Hac Vice* and accompanying supporting declaration to be served this 20th day of February, 2008 on the following persons in accordance with the Federal Rules of Civil Procedure:

Edward Okun  
394 S. Hibiscus Drive  
Miami Beach, Florida 33139

  
\_\_\_\_\_  
John W. Berry, Esq.